

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION

OPIATE LITIGATION

This document relates to:

Track One Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY ADJUDICATION OF
DEFENDANTS' DUTIES UNDER THE CONTROLLED SUBSTANCES ACT**

Pursuant to Federal Rule of Civil Procedure 56, Track One Plaintiffs ("Plaintiffs"), by their undersigned counsel, respectfully move for partial summary adjudication of Defendants' duties under the Controlled Substances Act ("CSA"). In particular, Plaintiffs seek a ruling from this Court that registrants under the CSA are obliged to identify suspicious orders of controlled substances; to report to the DEA suspicious orders when discovered; and to decline to ship an order identified as suspicious unless and until, through due diligence, the registrant is able to determine that the order is not likely to be diverted into illegal channels. In support of this motion, Plaintiffs submit Plaintiffs' Memorandum of Law dated June 25, 2019, a Summary Sheet, and Exhibits A through C, which are being filed contemporaneously with this motion.

WHEREFORE, for the reasons set forth in detail in Plaintiffs' Memorandum of Law, Plaintiffs respectfully request that this Court enter an Order granting this Motion in its entirety; finding that registrants under the CSA are obliged to identify suspicious orders of controlled substances; to report to the DEA suspicious orders when discovered; and to decline to ship an order identified as suspicious unless and until, through due diligence, the registrant is able to determine that the order is

not likely to be diverted into illegal channels; and for such further relief as the Court deems just and proper

Dated: June 25, 2019

Respectfully submitted,

/s/ Paul J. Hanly, Jr.

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